



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Anaida Girau,
Standards and Procedures
Technician 1, Department of Law and
Public Safety

Examination Appeal

CSC Docket No. 2019-1753

ISSUED: January 22, 2019 (RE)

Anaida Girau appeals the determination of the Division of the Agency Services (Agency Services), which found that she was below the minimum requirements in experience for a qualifying examination for Standards and Procedures Technician 1.

By way of background, the appellant was appointed provisionally, pending a qualifying examination (PAQ), in the Standards and Procedures Technician 1 title effective October 13, 2018. Agency Services processed a qualifying examination for the appellant, to determine if she possessed the necessary qualifications for the subject title and she failed. The requirements for Standards and Procedures Technician 1 are graduation from an accredited college or university with a Bachelor's degree and two years of professional experience in the review, writing, analysis and revision of program policy, procedures, informational materials, rules, guidelines, and/or program analysis and development. Applicants who did not possess the required education could substitute experience as indicated on a year for year basis. A Master's degree in a discipline appropriate to the position could be substituted for one year of required experience. The appellant has not yet been returned to her permanent title, Senior Management Assistant.

On her qualifying examination application, the appellant indicated that she possessed a Bachelor's degree, and a Master's degree in Administrative Science, which was accepted. As such, she was required to possess one year of applicable experience. She listed positions as Standards and Procedures Technician 1, two positions as Senior Management Assistant, Secretarial Assistant 3, two positions as

Principal Clerk Typist and Senior Clerk Typist. In its determination dated December 1, 2018, Agency Services credited the appellant with three months of qualifying experience in her PAQ position and determined that the remaining positions were inapplicable. No out-of-title work was found. Therefore, since the appellant lacked nine months of applicable experience, she did not meet the minimum requirements and she did not pass the qualifying examination for the subject title.

On appeal, the appellant argues that she accrued applicable experience while serving in two positions as Senior Management Assistant, and she provides a list of duties. She also provides copies of rules that she used in those titles and as a Management Assistant, a title not listed on her application. Official records indicate that the appellant held the title Senior Management Assistant in the Department of Human Services from September 2018 to October 2018, in the Department of Health from September 2017 to September 2018, in the Department of Human Services from October 2016 to September 2017, and in the Department of Community Affairs from April 2015 to October 2016. She also held the title Management Assistant in the Department of Community Affairs from August 2013 to April 2015.

The appellant argues that she performed applicable duties for three years while in the title Senior Management Assistant in the Department of Community Affairs from August 2013 to October 2016. She explains that she routinely used and analyzed rules and regulations to ensure that agencies were in compliance with grant regulations for the Weatherization Assistance Program (WAP). She also developed Requests for Proposals (RFPs) for grants, reviewed submitted candidate applications, and prepared reports for management on the impact of funding. She states that during 2015-2016, she co-developed a Policy and Procedures Manual for WAP by reviewing spending guidelines, and she created new regulations regarding spending. She updated the regulations on the website, and assisted in creating a conference for weatherization.

At the Department of Health, she states that she reviewed and analyzed *N.J.A.C.* Title 10 regulations, and applicable statutes, regarding driving under the influence in order to revise regulations.

CONCLUSION

At the outset, it must be underscored that a “Qualifying Examination” requires the candidate to demonstrate on her qualifying examination application that she possesses the necessary experience for the subject title to affect a lateral title change. Additionally, for experience to be considered applicable, it must have as its primary focus full-time responsibilities in the areas required in the announcement. *See In the Matter of Bashkim Vlashi* (MSB, decided June 9, 2004).

A review of the appellant's application reveals that she does not meet the experience requirements for Standards and Procedures Technician 1. When an applicant indicates extensive experience in titles established under the State Classification Plan, it is appropriate to utilize the job specifications to determine the primary focus of the duties of incumbents serving in career service titles. In her Senior Management Assistant positions, the appellant presented lists of duties that contained some aspects of the required experience. However, the majority of those duties do not evidence that she primarily performs the duties required to establish eligibility for Senior Management Assistant. Each position can have only one primary focus. The duties performed most of the time and the importance of those duties, or the preponderance of the duties, identify the primary focus of the position. The description of duties listed on appeal provides detail on specific duties, and this detail only partially includes required experience.

For example, with the Department of Community Affairs, developing RFPs for grants, reviewing submitted candidate applications, preparing reports for management on the impact of funding, and assisting in creating a conference, does not rise to the level and scope of the required experience requirement. Co-developing a Policy and Procedures Manual, creating new regulations, and updating the regulations on the website are applicable. However, this was only one aspect of the position, which include many duties such as conducting surveys, composing RFPs, reviewing applications, assisting with and preparing for conducting workshops and training, acting as program liaison, overseeing daily activities of the unit, approving payments, responding to requests for information, administering grants, updating reports and schedules and resolving complaints, along with other duties. The primary focus of the position(s) with the Department of Community Affairs does not match the experience requirement.

With the Departments of Health and Human Services, the only relevant duty was updating the policy and procedure manual. She also oversaw the work of Agency Services Representatives, was program liaison, assisted with implementation of office organization changes, identified areas of improvement and suggested recommendations, supervised staff, maintained class dates, and supervised and trained staff. Again, the above experience was not the primary focus of this/these position(s). Her remaining experience was clerical. Therefore, the appellant lacked nine months of qualifying experience when Agency Services issued its determination in December 2018.

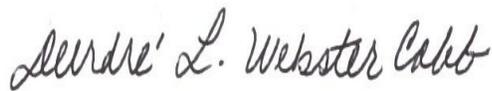
Agency Services correctly determined that the appellant did not pass the subject qualifying examination. Therefore, she has failed to support her burden of proof in this matter.

ORDER

Therefore, it is ordered that this request be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 16th DAY OF JANUARY, 2019



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